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Holding Co. Inc.; K-M Industries Holding Co.
Inc. ESOP Plan Committee; and CIG ESOP Plan Committee

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

THOMAS FERNANDEZ et al.,	)	Case No. C 06-07339 CW
)	
Plaintiffs,	)	ORDER TO SEAL DOCUMENTS
	)	SUBMITTED BY WILLIAM E. AND
vs.	)	DESIREE B. MOORE REVOCABLE
	)	TRUST, TRUSTEES OF THE WILLIAM E.
K-M INDUSTRIES HOLDING CO., INC, et al.	)	AND DESIREE B. MOORE REVOCABLE
	)	TRUST, DESIREE B. MOORE
Defendants.	)	REVOCABLE TRUST, WILLIAM E.
	)	MOORE MARITAL TRUST, WILLIAM E.
	)	MOORE GENERATION-SKIPPING
	)	TRUST, AND DESIREE B. MOORE IN
	)	SUPPORT OF MOTION FOR SUMMARY
	)	JUDGMENT
)	
)	

Defendants William E. and Desiree B. Moore Revocable Trust, Trustees of the William
E. and Desiree B. Moore Revocable Trust, Desiree B. Moore Revocable Trust, William E.
Moore Marital Trust, William E. Moore Generation-Skipping Trust and Desiree B. Moore (the
"Moore Trust Defendants") having submitted certain documents under seal in support of their

1 motion for summary judgment pursuant to L. R. 79-5(d) and defendants K-M Industries Holding Co.
2 Inc., K-M Industries Holding Co. Inc. ESOP Plan Committee, and CIG ESOP Plan Committee
3 having submitted their Declaration of Terence F. Young Establishing that Information Designated
4 by William E. and Desiree B. Moore Revocable Trust, Trustees of the William E. and Desiree B.
5 Moore Revocable Trust, Desiree B. Moore Revocable Trust, William E. Moore Marital Trust,
6 William E. Moore Generation-Skipping Trust and Desiree B. Moore in Support of Their Motion for
7 Summary Judgment is Sealable (the “Young Declaration”), requesting that certain of those
8 documents remain sealed as confidential, the Court orders as follows:
9

10 Because the public interest favors filing all court documents in the public record, any party
11 seeking to file a document under seal must demonstrate good cause to do so.¹ This cannot be
12 established simply by showing that the document is subject to a protective order, but rather must be
13 supported by a sworn declaration demonstrating with particularity the need to file each document
14 under seal. See Local Rule 79-5(a). If good cause exists only to file portions of a particular
15 document under seal, a redacted version of the document must be filed in the public record. Local
16 Rule 79-5(c).
17

18 In the Young Decl., the KMH defendants seek the following relief:

19 1. Redaction of portions of Exhibit C to the Moore Trust Defendants Motion for
20 Summary Judgment, as follows:

- 21 a. pages KMH 001440-KMH 001444
 - 22 b. page KMH 001446
 - 23 c. pages KMH 001448-KMH 001474.
- 24

25 ¹ A “compelling interest” standard applies to documents filed in support of or opposition to a
26 dispositive motion. *Pintos v. Pac. Creditors Ass’n*, 504 F.3d 792, 801-03 (9th Cir. 2007).
27

2. Redaction of the entirety of Exhibit D to the Moore Trust Defendants Motion for Summary Judgment.

3. Redaction of portions of Exhibit F to the Moore Trust Defendants Motion for Summary Judgment, as follows:

- a. pages 1-3 (KMH 005819-KMH 005821)
- b. pages 5-6 (KMH 005823-KMH 005824)
- c. pages 10-16 (KMH 005828-KMH 005834)
- d. page 20 (KMH 005838)
- e. pages 23-24 (KMH 005841-KMH 005842)
- f. pages 31-37 (KMH 005849-KMH 005855)
- g. page 52 (KMH 005870)

4. Redaction of page 2 (KMH 008320) of Exhibit G to the Moore Trust Defendants Motion for Summary Judgment

The KMH defendants have established that the information in these exhibits comprises sensitive financial information. They have demonstrated a compelling interest to justify filing such information under seal.

Accordingly, the Moore Trust Defendants' motion for leave to file under seal is GRANTED. The clerk shall file under seal portions of Exhibit C as set forth above and as provided by the Moore Trust Defendants, the entirety of Exhibit D, portions of Exhibit F as set forth above and as provided by the Moore Trust Defendants, and page 2 of Exhibit G as set forth above and as provided by the Moore Trust Defendants.

7/3/08

DATED: _____



Honorable Claudia Wilken
United States District Judge
Northern District of California